

Executive Registry

84-623

AH NFIC 6-4.6-170-84

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3 February 1984

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM:

Associate General Counsel for
Intelligence Community Affairs

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SUBJECT: Potential DoJ Problems with CIPC Narcotics
Report

1. We have been advised that the Department of Justice representative on NFIC, Ms. Mary Lawton, may raise the following issues at the NFIC meeting today with respect to the CIPC Narcotics Report:

A. Protection of Sources and Methods. The report expresses concern over the Government's ability to protect sources and methods during criminal discovery and prosecution. DoJ will probably take the position that by and large adequate means are available to protect sources and methods. In some instances, because of the way in which the Community acquired narcotics information, it might be necessary to make disclosures to the court and/or the defendant. Justice has acknowledged that in such situations, if our concerns are great, the case can be dropped. DoJ will probably express the view that what is needed is greater coordination between the intelligence and law enforcement communities to identify those cases that will involve intelligence information.

COMMENT: We are currently in the process of discussing ways to develop improved coordination and communication with the law enforcement community on this problem. A second meeting is scheduled for 10 February.

B. Conduct of SIGINT Activities. The report questions the authority of the law enforcement community to engage in certain kinds of law enforcement collection without a delegation from the Secretary of Defense that would authorize them to engage in "SIGINT" activities. DoJ will probably disagree that collection activities being conducted by law enforcement components are SIGINT activities.

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COMMENT: Unless classified techniques or methods are involved, we would agree with DoJ.

C. Authority for Supporting Narcotics Law Enforcement Activities. The report states that there is continuing ambiguity over the legal implications of intelligence support to narcotics law enforcement. DoJ may disagree with this statement.

COMMENT: We have addressed and disposed of specific issues in the past, as they have arisen. We agree that generalized worrying about the issue is creating unnecessary confusion and concern.

2. Eloise Page suggested I inform you of these issues.



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